IN THE HIGH COURT OF JUDICATURE AT BOBBY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4512 OF 2004

Shujauddin Habibullah Quershi ..Appilcant.

V/s.

State of Maharashtra .. Respondent.

Shri Subhash Jha i/by Law Global for the Applicant.
Shri V.B. Konde Deshmukh, APP for Respondent.

CORAM : A.M.KHANWILKAR, J.
DATED : 04.11.2004

PC :-

. Heard counsel for the parties.

2. Learned APP submits that the investigation is still in progress and the involvement of the applicant in the commission of the offence is still being examined. He however, fairly accepts that so far, the applicant has co-operated with the investigation by producing all necessary documents and providing requisite information which has been demanded from him. He however, fairly accepts that the material collected so far only indicate that the role of the applicant was limited to notarising the documents which were brought to him by the concerned party for

that purpose. Several irregularities have been noticed in maintaining the record by the applicant but that by itself in no way would implicate the applicant with the commission of the alleged offence. The learned APP submits that instead of considering the present application on merit, the appropriate course would be to pass conditional order and dispose of this application in the following terms :-

a) The application is disposed of on the assurance given by the investigating officer that in the event he has reason to believe that the custodial interrogation of the applicant is necessary at the relevant time, 72 hours notice will be given to the applicant so as to enable the applicant to take recourse to the remedy as may be permissible by law.

3. Accordingly, this application is disposed of on the above terms without expressing any opinion on merits of the matter.

4. It is made clear that the applicant will co-operate for further investigation as and when

called for. The applicant is personally present in the court and undertakes to extend further co-operation in the matter. Undertaking is accepted. In case the investigation officer is of the view that the applicant has not co-operated during the investigation, it will be open to the Respondent to apply to this court for revoking the limited protection given to the applicant as per this order so as to take appropriate steps in accordance with the law.

5. Ordered accordingly.

.....